

Message Text

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SUBJ: LEGAL QUESTIONS UNDER DISCUSSIONS WITH GCOB

1. THERE ARE SEVERAL QUESTIONS WHICH HAVE ARISEN BETWEEN EMBASSY AND GCOB WHICH INVOLVE INTERPRETATION OF THE VIENNA CONVENTION AND FOR WHICH WE NEED GUIDANCE:

(A) BAHAMIAN CUSTOMS REGULATIONS REQUIRE THE SELLER TO PAY DUTY ON ARTICLES IMPORTED DUTY-FREE SOLD TO PERSONS SUBJECT TO DUTY. CAN GCOB REQUIRE "DIPLOMATIC AGENTS" TO PAY DUTY ON PRIVATE MOVEABLE PROPERTY (CARS, BOATS, ETC.) SOLD TO BAHAMIAN CITIZENS IN LIGHT OF ARTICLE 34 OF THE CONVENTION?

(B) CAN THE EMBASSY, IN VIEW OF THE ABOVE, BE ASKED TO PAY DUTY ON SURPLUS EMBASSY PROPERTY (VEHICLES, FURNISHINGS, OFFICE MACHINES, ETC.) SOLD LOCALLY.

(C) CAN THE EMBASSY CLAIM AN EXEMPTION FROM PROPERTY TAX FOR A HOUSE LEASED AS QUARTERS FOR ITS MARINE SECURITY GUARD BY CLAIMING THAT THE MSG HOUSE SHOULD BE CLASSED AS "PREMISES OF THE MISSION".

(D) IF THE EMBASSY PURCHASES AN EMBASSY RESIDENCE, CAN THE EMBASSY CLAIM AN EXEMPTION FROM A SIX PERCENT STAMP TAX. PAYMENT OF THE TAX WOULD BE MADE AN EMBASSY RESPONSIBILITY IN THE CONTRACT OF SALE, AND THE LAW STATES ONLY THAT THE "EXECUTOR" OF THE CONTRACT OF SALE MUST PAY THE TAX.

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(E) WHAT IS THE STATUS OF LOCAL EMPLOYEES, BRITISH AND CANADIAN CITIZENS, WHO REMAINED IN THE BAHAMAS AFTER INDEPENDENCE AND CONTINUE TO BE EMPLOYED BY THE EMBASSY. FYI: BAHAMIAN IMMIGRATION LAW REQUIRES "WORK PERMITS" FOR FOREIGN NATIONALS SEEKING EMPLOYMENT IN THE BAHAMAS. WHAT IS THE STATUS OF A NON-BAHAMIAN SPOUSE OF A LOCAL EMPLOYEE?

2. THE PRINCIPAL DIFFICULTY IN DISCUSSING THESE QUESTIONS WITH THE GCOB IS THAT NEITHER IT NOR THE EMBASSY HAS A READILY AVAILABLE SOURCE OF LEGAL EXPERTISE FAMILIAR WITH BOTH THE VIENNA CONVENTION AND TRADITIONAL DIPLOMATIC PRACTICE. THE PROBLEM IN SOLVING THE PROBLEMS ILLUSTRATED BY THE ABOVE QUESTIONS IS THAT THE GCOB HAS NOT AMENDED ITS LAWS TO ACCOMMODATE THE DIPLOMATIC MISSIONS WHICH ARRIVED WITH INDEPENDENCE. WE BELIEVE THAT, WITH THE DEPARTMENT'S POSITIONS ON THE QUESTIONS OUTLINED IN PARA 1, WE CAN MAKE AN INFORMED APPROACH TO THE GCOB AND PERHAPS RESOLVE SOME OF THE QUESTIONS WITHOUT UNDUE DELAY.
RIDGWAY

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